

## **ORDINANCE NO. 20-O-58**

### ***An Ordinance Granting a Variation from Section 9.12.C Required Setbacks (for Parking Areas) at the Northwest Corner of Lake Avenue and American Way.***

WHEREAS, the City of Woodstock, McHenry County, Illinois is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the City's home rule powers and functions as granted in the Constitution of the State of Illinois.

WHEREAS, Kensington Development Partners (the "Petitioner") has petitioned the City of Woodstock for a variation from 9.12.C Required Setbacks (for Parking Areas) of the Unified Development Ordinance ("UDO") to allow a parking lot at the northwest corner of Lake Avenue and American Way to be within the required side yard abutting a street, proposed to be 10 feet from the right-of-way along American Way instead of the required 30 feet in the B3 district; and

WHEREAS, pursuant to Section 4.5 of the Unified Development Ordinance, a variation(s) may be granted from the strict application of the UDO requirements after a public hearing and consideration of the circumstances warranting the granting of the variation(s); and

WHEREAS, a public hearing was held by the Woodstock Zoning Board of Appeals, after due notice in the manner provided by law; and

WHEREAS, having determined the standards for the zoning variation were addressed by the petitioner, and having incorporated those findings-of-fact into its vote, the Zoning Board of Appeals did recommend the petition for the variation from 9.12.C Required Setbacks (for Parking Areas) of the UDO be granted (4-0 vote); and

WHEREAS, the City Council has considered the evidence submitted by the Petitioner and presented at the public hearing, as well as the recommendations of the Zoning Board of Appeals, and has determined that the Petitioner's request should be granted.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Woodstock, McHenry County, Illinois, as follows:

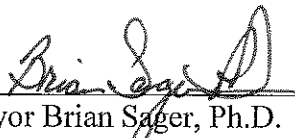
SECTION 1: A variation from 9.12.C *Required Setbacks (for Parking Areas)* of the Unified Development Ordinance to allow a parking lot at the northwest corner of Lake Avenue and American Way to be within the required side yard abutting a street, proposed to be 10 feet from the right-of-way along American Way instead of the required 30 feet in the B3 district.

SECTION 2: The report, recommendations, and findings of fact of the Zoning Board of Appeals on the issuance of the variations pursuant to the petition are on file in the City Hall as a part of the official record of the proceedings.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

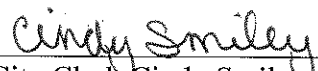
SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be known as Ordinance 20-O-58 and shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

  
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Mayor Brian Sager, Ph.D.

Ayes: Flynn, Lohmeyer, Piersall, Prindiville, Tebo, Turner, Mayor Sager  
Nays: None  
Abstentions: None  
Absentees: None

Attest:

  
\_\_\_\_\_  
City Clerk Cindy Smiley

By Chief Deputy City Clerk Jane Houe

## CERTIFICATION

I, CINDY SMILEY, do hereby certify that I am the duly appointed, acting and qualified Clerk of the City of Woodstock, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the Mayor and Council members of said City.

I do hereby further certify that at a regular meeting of the Woodstock City Council, held on the 4<sup>th</sup> day of August, 2020, the foregoing Ordinance entitled *An Ordinance Granting a Variation from Section 9.12.C Required Setbacks (for Parking Areas) at the Northwest Corner of Lake Avenue and American Way* was duly passed by said City Council.

The pamphlet form of Ordinance Number 20-O-58, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on the 11<sup>th</sup> day of August, 2020, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said City for safekeeping, and that I am the lawful custodian and keeper of the same.

GIVEN under my hand and corporate seal of the City of Woodstock this 11<sup>th</sup> day of August 2020.

Cindy Smiley

Cindy Smiley, Clerk  
City of Woodstock,  
McHenry County, Illinois

(SEAL)

By Chief Deputy City Clerk Jane Howe



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Parking Areas) at the Northwest Corner of Lake Avenue and American Way.*

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**ORDINANCE PASSED BY THE**

**MAYOR AND CITY COUNCIL**

**OF THE CITY OF WOODSTOCK**

**AT THEIR REGULAR MEETING ON AUGUST 4, 2020**

**PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF**

**THE CITY COUNCIL**

**OF THE**

**CITY OF WOODSTOCK**

**Mayor:**

**Brian Sager**

**City Council:**

**Darrin Flynn  
Lisa Lohmeyer  
Wendy Piersall  
James Prindiville  
Gordon Tebo  
Michael Turner**

**Clerk:**

**Cindy Smiley**

